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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 001486

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SUBJECT: NEPAL: MAIN COMMUNIST PARTY WILL NOT JOIN THE GOVERNMENT OR THE PEACE TALKS

REF: KATHMANDU 1419

Classified By: Ambassador Michael E. Malinowski for Reasons 1.5 (b,d)

1. (C) Summary. In a meeting on August 4 with the leader of Nepal's largest legal communist party, Madhav Kumar Nepal, the Ambassador expressed concern that the Government's cease-fire with the Maoists might not continue for long and emphasized the need for the political parties and the King to unite against the Maoist threat. Nepal agreed that the cease-fire might not last, suggesting that the Thapa government's negotiating position was weak and, therefore, resumption of violence would be necessary to alter the balance of power against the Maoists. Nepal stated that his party would not participate in either the peace talks or the current government until both the Maoists and the King had demonstrated a commitment to multiparty democracy and recognized the independence and sovereignty of the political parties. According to Nepal, UML will only participate in government either under a reconstituted parliament or an all-party government chosen by the parties without the King's interference. Nepal accepted that foreign governments and international organizations might have a role to play in promoting the peace process by pressuring the King to empower the parties as well as the Maoists to abandon violence. End Summary.

2. (C) On August 4, Ambassador Malinowski met with the Communist Party of Nepal - United Marxist Leninist (CPN-UMLN) Chairman Madhav Kumar Nepal to convey refel message and to gauge the party's interest in joining Prime Minister Thapa's government. DCM and PolOff also attended the meeting. The Ambassador said he was glad that the Maoists had agreed to a third round of talks, but was worried that the current entente would not hold for long. He credited Maoist supporters who pressured the insurgent leaders to return to the negotiating table and expressed gratitude for the actions by UML in this regard. He mentioned that the major foreign governments represented in Kathmandu, including the U.S., UK and India, had agreed to send a common message to the Maoists condemning the insurgents' flagrant violations of the cease-fire code of conduct and pressing them to return to the peace talks. The Ambassador emphasized the need for the King, government and the political parties to unite against the Maoist threat for the good of the nation. He noted that the Maoists had called for the parties to join the peace talks and questioned the UML chairman on whether this was a possibility.

3. (C) Nepal replied that UML would not participate in the peace talks until the Maoists demonstrated a commitment to multiparty democracy and recognized the independence and sovereignty of the political parties. Ongoing Maoist activities, such as extortion, kidnapping and forced recruitment have proven that the insurgents' philosophy does not embrace democracy, he said. The Maoists have also shown their lack of commitment to democracy by declining to sign a code of conduct prepared by the UML to protect local-level party cadres, he said. Nepal noted that the Maoist supreme leader, Prachanda, had called for the political parties' involvement in the peace talks, but had qualified the offer by demanding that the parties choose sides, which they refused to do.

4. (C) Nepal believed that there are philosophical differences within the Maoist leadership. He said that "we should encourage and promote the flexible and reasonable people within the Maoist organization while the diehards and those who want to return to violence should be isolated and disgraced." Despite these differences, Nepal opined that the Maoists continue to fight from what, they believe, is a position of power. Only after the Maoists realize they are weak, he said, will they compromise on their political demands.

5. (C) Nepal said that the talks between the Thapa government and the Maoists would not succeed since the government appeared weak and lacked political legitimacy. Moreover, Nepal explained, the political parties would regard any agreement between the King and the Maoists as a conspiracy against their interests. He believed that, by conceding to

demands to release three Maoist Central Committee leaders and one of the major Maoist extortionists, the Thapa government had shown its weakness and given an advantage to the Maoists.

Nepal reported that the Maoists have claimed that their cadre has grown to 150,000 combatants. Although many so-called Maoists will likely flee at the onset of hostilities, many others "will be bold enough to risk their lives," he said. (Comment. Post does not agree with Nepal's assessment that the Maoists are negotiating from a position of strength. End Comment.)

16. (C) Nepal agreed that foreign governments, international organizations and human rights groups all have a role to play in the peace process. Foreign governments, he said, should exert pressure through persuasion to convince the Maoists that they cannot win through violence. Nepal argued that the Government of India in particular should be concerned about Maoist activities in its own country. The insurgents in northern India have become stronger, he said, and therefore the human and financial costs of dealing with the problem have increased.

17. (C) The Ambassador noted the reaction within the Indian media in recent days criticizing offers by the United Nations to assist in the peace negotiations. Nepal replied that although neither the government nor the Maoists were ready for a direct U.N. role in the talks, the U.N. could train facilitators, bring in negotiators from other countries, and assist in laying the groundwork for a post-conflict reconciliation plan. However, Nepal also acknowledged the Indian government's unhappiness with U.N. and other agencies' offers of assistance.

18. (C) Nepal agreed with the Ambassador that the Maoists are the sole beneficiaries of the ongoing conflict between King Gyanendra and the political parties. The constitutional forces should not undermine one another's efforts against the unconstitutional forces, he said. However, he placed responsibility for bringing the two sides together on the King's shoulders. "If he shows flexibility, then we will show flexibility," he said. Nepal criticized the King for not demonstrating a commitment to democracy, calling his rule a "one-party dictatorship." Nepal emphasized that the King's actions have effectively "paralyzed" the constitution, noting the King's abrogation of constitutional provisions regarding the National Assembly and the budget. He suggested that the King should stay out of politics completely and become a "noncontroversial, but dignified, constitutional monarch."

19. (C) When asked whether he had a formula to bring the democratic forces together, Nepal stated that restoration of the parliament could bring the political parties into the government. Alternatively, Prime Minister Thapa's government must resign and the King must allow the political parties to choose an all-party cabinet without interference. Nepal hinted that, of course, the political party leaders would consult informally with the King, but that the King should remove himself from public political life. Under no conditions could the UML participate in the current government, he said.

110. (C) An interim government, Nepal stated, would first focus on reaching an agreement with the Maoists. However, he suggested that the two sides would first need to return to war. Only after the national army delivers firm set backs to the Maoists in the field and puts greater pressure on them can peace talks succeed, he said. Nepal agreed that elections could not be held until the threat of violence is gone from the countryside. When asked whether he believed the political parties could agree upon an all-party cabinet, Nepal said "there is no way to say now." However, Nepal's international affairs advisor opined that the parties could reach an agreement, although the "window of opportunity" might soon disappear." Nepal suggested that the seven parties that had been elected to the last parliament would need to participate in an interim government.

MALINOWSKI